REMARKS

Claims 1-21, 34-52, and 57-68 were pending in the application. Claims 18-21, 36-38, 40-50, and 52 are withdrawn. Accordingly, claims 1-17, 34-35, 39, 51, and 57-68 are now pending in the application.

Restriction Under 35 U.S.C. § 121

The Examiner asserted a requirement for election of species under 35 U.S.C. § 121. Applicant elects the species corresponding to "Embodiment 3 of Figure 3" with traverse from the list of species presented by the Examiner. Applicant traverses on the grounds that the Examiner has not issued a proper restriction requirement.

The Examiner contends that the claims are directed to "patentably distinct species of the claimed invention" that correspond to "Embodiment 1 of Figure 1", "Embodiment 2 of Figure 2" "Embodiment 3 of Figure 3", and "Embodiment 4 of Figure 4". Applicant respectfully disagrees.

Applicant notes that claims 1-17, 34-35, 39, 51, and 57-68 correspond to the embodiment shown on Figure 3 (see Paragraph [0043]), and dependent claims 18-21, 36-38, 40-50, and 52 correspond to the embodiment shown on Figure 4. (see Paragraphs [0045]-[0048]) The embodiments shown in Figures 1 and 2 are general in nature, illustrating features of various integrated circuit implementations, which may be employed in the embodiments of Figures 3 and 4. Specifically, the embodiment shown in Figure 1 is a cross-sectional view illustrating how semiconductor devices are grown on a semiconductor wafer and are connected using multiple layers of metals. (see Paragraph [0026]]) The embodiment shown in Figure 2 is a top-view diagram of a packaged integrated circuit illustrating a variety of input/output connections. (see Paragraph [0039]) Although dependent claims 18-21, 36-38, 40-50, and 52 correspond to the embodiment shown on Figure 4, since these claims are dependent upon and narrow the scope of independent claims 1 and 34, Applicant believes claims 18-21, 36-38, 40-50, and 52 should not be subject to a restriction.

Furthermore, according to MPEP § 808, "Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why each invention as claimed is either independent or distinct from the other(s); and (B) the reasons why there would be a serious burden on the examiner if the restriction is not required, i.e., the reasons for insisting upon restriction therebetween as set forth in the following sections". (see MPEP § 808.01 and 808.02)

The Examiner has asserted that the Applicant's claims correspond to distinct species without giving reasons why each invention as claimed is either independent or distinct from the other(s), and without giving reasons they would be a serious burden on the examiner if the restriction is not required. Thus, the restriction requirement asserted by the Examiner is improper.

Notwithstanding the above, Applicant has elected the species corresponding to "Embodiment 3 of Figure 3". Applicant believes claims 1-17, 34-35, 39, 51, and 57-68 are readable on the species corresponding to the embodiment shown on Figure 3. Applicant further submits that independent claims 1 and 34 are generic to claims 18-21, 36-38, 40-50 and 52. Applicant reserves the right to file a divisional application at a later date capturing the subject matter recited in claims 18-21, 36-38, 40-50, and 52, which are withdrawn herein.

CONCLUSION

The present response is believed to be a complete response to the issues raised in the office action in full reconsideration. A favorable reaction is respectfully requested. If the Examiner has any questions, comments or suggestions, the undersigned attorney earnestly requests a telephone conference.

Respectfully submitted,

/James W. Huffman/

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